IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL WRIT PETITION NO.613 OF 2007

Gautam Patel ...Petitioner.
V/s.
The State of Maharashtra & Ors. ...Respondents.

Mr.Khan, adv. for the Petitioner.
Mr.Y.S.Shinde, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 24th April, 2007.

P.C.:

1. Heard Mr.Khan the learned counsel for the petitioner. Perused the record and particularly the order passed by the revisional Court.

2. The complainant is a Managing Director of Sonbar Developers Private Ltd., which had developed and constructed certain properties and the respondent nos.2 to 4 are the owners of the flats in the said building. It appears that there are disputes between the complainant as a Managing Director of that company and the respondents on account of nonpayment of maintenance charges. There are disputes about the amounts due from them. It appears that before the complaint was filed by the present complainant, the respondent/accused had also made certain complaints before the authorities against him. They had also issued notice. The petitioner filed

complaint against the respondent nos.2 to 4 before the Additional Chief Metropolitan Magistrate 44th Court, Andheri under several sections of the Indian Penal Code. Process was issued by the learned Magistrate on the basis of the verification statement of the complainant. That order was challenged before the Sessions court and the learned Additional Sessions Judge allowed the Criminal Revision Application No.469 of 2005 filed by the respondents and quashed the order issuing the process. The learned Additional Sessions Judge came to the conclusion that the dispute is purely of civil nature and long before the present complainant had lodged the complaint, the accused persons had issued the notice and lodged the complaints before the authorities. The learned Additional Sessions Judge found that the complaint was filed merely to bring pressure on the flat owners. After going through the complaint, verification statement and the order passed by the Additional Sessions Judge in Criminal Revision Application no.469 of 2005, I find no fault in the said order.

3. Therefore, writ petition stands dismissed summarily.

(J.H.Bhatia,J.)